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10/727,241

12/03/2003

Galo Gimenez

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04/14/2008

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

KASSA, HILINA S

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/727,241	Applicant(s) GIMENEZ ET AL.	
	Examiner HILINA S. KASSA	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 13-22 and 26-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 23-25 and 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment to the specification submitted on 02/13/2008 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/03/2003 is being considered by the examiner.

Election/Restrictions

3. Applicant's election without traverse of Species III relating to claims 1-12, 23-25 and 30-35 in the reply filed on 02/13/2008 is acknowledged. Claims 13-22 and 26-29 are withdrawn from consideration.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-12, 30 and 32-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Anderson et al. (US Patent Number 6,912,311 B2).

(1) regarding claim 1:

As shown in figure 2, Anderson et al. disclose a processor-readable medium comprising processor-executable instructions for processing print data (**column 3, lines 20-24; note that a removable memory card is considered as the processor-readable medium as the images stored in the medium have instructions to be executed**), the processor-executable instructions comprising instructions for:

filtering the print data to create grouped records (**column 3, lines 50-54; note that the image is separated into two types of files or objects. Also, in lines 54-59, the types of planes are considered as the grouped records**);

analyzing the grouped records to extract templates used by the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

merging the extracted templates to produce a merged template (**column 6, lines 5-11; note that the graphics data in the plane file i.e. the grouped record gets merged with template**).

(2) regarding claim 2:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, additionally comprising instructions for:

creating a cover template for use with a document to be printed (**column 6, lines 61-67; note that user chooses a template from the template catalog to be applied**

for printing), wherein the cover template is merged with the extracted templates into the merged template (**column 6, lines 46-57; note that the template and image gets merged to be printed**).

(3) regarding claim 3:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, additionally comprising instructions for:

adding records to the merged template (**column 8, lines 43-48; note that the added record is considered as the color tag or the graphic text data**);

calculating an imposition for application to the merged template to which the records were added (**column 8, lines 48-52; note that the position is justified at the actual size**); and

generating a ticket describing the merged template to which the records added (**column 8, lines 53-58; note that the resided template is considered as the generated template**), and generating pointers to assets used by the merged template (**column 8, lines 62-67; note that per the specification of assets in the application on paragraph [0024], line 3, it is considered as the image. So, the image is resized to fit the target rectangles**).

(4) regarding claim 4:

Anderson et al. further disclose the processor-readable medium as recited in claim 3, wherein analyzing the grouped records comprises instructions for:

extracting information from the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

using the extracted information to determine which data, from among the print data, will be needed to complete the adding records to the merged template (**column 4, lines 1-4; note that tags are the “hints” or instructions which automate the process of how and when to change or edit the image or template in order to merge them together properly**).

(5) regarding claim 5:

Anderson et al. further disclose the processor-readable medium as recited in claim 3, wherein calculating an imposition to the merged template comprises instructions for:

modifying the merged template to purge features that are not compatible with an output device to be used (**column 6, lines 59-67; note that user selects template from the printer considering compatibility**).

(6) regarding claim 6:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein filtering print data to create grouped records comprises instructions for:

grouping together like-sized material to from the grouped records (**960, 980, figure 9; column 5, lines 15-21; note that the print area has layout that groups the like-sized images**); and

selecting from among the grouped records for fit on print media (**1030, figure 10; column 6, lines 11-13; note that the page information is set to fit the print media**).

(7) regarding claim 7:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein filtering print data to create grouped records comprises instructions for:
grouping together material according to commercial use (**column 3, lines 25-31; note that Digital OS from Flashpoint Technology is utilized to accomplish what was stated above and it is considered to have a commercial use**).

(8) regarding claim 8:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein filtering print data to create grouped records comprises instructions for:
grouping together material according to printer destination (**column 6, lines 59-67; note that user selects template from the printer considering compatibility**).

(9) regarding claim 10:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein analyzing the grouped records comprises instructions for:

extracting information from the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

using the extracted information to locate templates, field descriptors and fonts used by the grouped records (**700, figure 7; column 5, lines 37-44; note that the template file includes field descriptors i.e. layout list, plane list and font format list**).

(10) regarding claim 11:

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein merging the extracted templates comprises instructions for: merging all features of the extracted templates into the merged template (**figure 10; column 6, lines 1-13; note that the extracted template 1020 and 1010 get merged into the merged template 1030**).

(11) regarding claim 12:

As shown in figure 2, Anderson et al. disclose a system comprising:

a filter to filter print data to create grouped records (**column 3, lines 50-54; note that the image is separated into two types of files or objects. Also, in lines 54-59, the types of planes are considered as the grouped records**);

an analyzer to analyze the grouped records to extract templates used by the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

a template merger to merge the extracted templates to produce a merged template (**column 6, lines 5-11; note that the graphics data in the plane file i.e. the grouped record gets merged with template**).

(12) regarding claim 30:

As shown in figure 2, Anderson et al. disclose a method for processing print data, the method comprising:

filtering the print data to create grouped records (**column 3, lines 50-54; note that the image is separated into two types of files or objects. Also, in lines 54-59, the types of planes are considered as the grouped records**);

analyzing the grouped records to extract templates used by the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

merging the extracted templates to produce a merged template (**column 6, lines 5-11; note that the graphics data in the plane file i.e. the grouped record gets merged with template**).

(13) regarding claim 32:

Anderson et al. further disclose the method as recited in claim 30, wherein analyzing the grouped records comprises instructions for:

extracting information from the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and using the extracted information to locate templates, field descriptors and fonts used by the grouped records (**700, figure 7; column 5, lines 37-44; note that the template file includes field descriptors i.e. layout list, plane list and font format list**).

(14) regarding claim 33:

Anderson et al. further disclose the method as recited in claim 30, wherein analyzing the grouped records comprises instructions for:

extracting information from the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the**

planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image); and

using the extracted information to determine which data, from among the print data, will be needed to complete the adding records to the merged template (**column 4, lines 1-4; note that tags are the “hints” or instructions which automate the process of how and when to change or edit the image or template in order to merge them together properly).**

(15) regarding claim 34:

Anderson et al. further disclose the method as recited in claim 30, wherein merging the extracted templates comprises instructions for: merging all features of the extracted templates into the merged template (**figure 10; column 6, lines 1-13; note that the extracted template 1020 and 1010 get merged into the merged template 1030).**

(16) regarding claim 35:

Anderson et al. further disclose the method as recited in claim 30, additionally comprising:

calculating an imposition of application to the merged template by modifying the merged template to purge features that are not compatible with an output device to be used (**column 6, lines 59-67; note that user selects template from the printer considering compatibility).**

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US Patent Number 6,912,311 B2) in view of Vidyanand (US Patent Number 6,330,071 B1).

(1) regarding claim 23:

As shown in figure 2, Anderson et al. disclose a variable data print engine, comprising:

means for filtering the print data to create grouped records (**column 3, lines 50-54; note that the image is separated into two types of files or objects. Also, in lines 54-59, the types of planes are considered as the grouped records**);

means for analyzing the grouped records to extract templates used by the grouped records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

means for merging the extracted templates to produce a merged template
(column 6, lines 5-11; note that the graphics data in the plane file i.e. the grouped record gets merged with template).

Anderson et al. disclose all of the subject matter as described as above except for specifically teaching a variable data print engine.

However, Vidyanand discloses a variable data print job system **(abstract, lines 1-2; note that a variable data print job system is disclosed).**

Anderson et al. and Vidyanand are combinable because they are from the same field of endeavor i.e. printing systems. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to have a variable data print job system. The suggestion/motivation for doing so would have been in order to reduce storage in the printer so that the master and variable jobs into a single job sent from the client to the printer without the printer storing the data (abstract, lines 1-4). Therefore, it would have been obvious to combine Anderson et al. with Vidyanand to obtain the invention as specified in claim 23.

(2) regarding claim 24:

Anderson et al. further disclose the variable data print engine as recited in claim 23, additionally comprising instructions for:

means for creating a cover template for use with a document to be printed
(column 6, lines 61-67; note that user chooses a template from the template catalog to be applied for printing), wherein the cover template is merged with the

extracted templates into the merged template (**column 6, lines 46-57; note that the template and image gets merged to be printed**).

(3) regarding claim 25:

Anderson et al. further disclose the variable data print engine as recited in claim 23, additionally comprising instructions for:

means for adding records to the merged template (**column 8, lines 43-48; note that the added record is considered as the color tag or the graphic text data**);

means for calculating an imposition for application to the merged template to which the records were added (**column 8, lines 48-52; note that the position is justified at the actual size**); and

means for generating a ticket describing the merged template to which the records added (**column 8, lines 53-58; note that the resided template is considered as the generated template**), and generating pointers to assets used by the merged template (**column 8, lines 62-67; note that per the specification of assets in the application on paragraph [0024], line 3, it is considered as the image. So, the image is resized to fit the target rectangles**).

8. Claims 9 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US Patent Number 6,912,311 B2) in view of Lynch et al. (US Patent Number 7,130,842 B2).

(1) regarding claim 9: (103- meta data)

Anderson et al. further disclose the processor-readable medium as recited in claim 1, wherein analyzing the grouped records comprises instructions for:

extracting *meta data* from the group records (**column 3, line 63-column 4, line 1; note that the template files stores instructions of the application of the planes or grouped records to the images and the tags carry instructions to the operating system to obtain a graphics file and apply its data to an image**); and

using the *meta data* to determine templates used by the grouped records (**column 4, lines 17-26; note that the templates are determined in correspondence with the plane files**).

Anderson et al. disclose all of the subject matter as described as above except for specifically teaching wherein the information extracted being a meta data.

However, Lynch et al. disclose wherein the information data being a meta data (**column 2, lines 13-19; note that meta data is utilized to describe the documents**).

Anderson et al. and Lynch et al. are combinable because they are from the same field of endeavor i.e. processing of electronic documents. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the information extracted being a meta data. The suggestion/motivation for doing so would have been in order to process different application specific objects which enhance reliability (column 2, lines 26-32). Therefore, it would have been obvious to combine Anderson et al. with Lynch et al. to obtain the invention as specified in claim 9.

(10) regarding claim 31:

Anderson et al. disclose all of the subject matter as described as above except for specifically teaching filtering data obtained from enterprise resource planning software.

However, Lynch et al. disclose filtering data obtained from enterprise resource planning software (**column 2, lines 6-12; note that ERP system is utilized to process and obtain meta data**).

Anderson et al. and Lynch et al. are combinable because they are from the same field of endeavor i.e. processing of electronic documents. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to filter data obtained from enterprise resource planning software. The suggestion/motivation for doing so would have been in order to process different application specific objects which enhance reliability (column 2, lines 26-32). Therefore, it would have been obvious to combine Anderson et al. with Lynch et al. to obtain the invention as specified in claim 31.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barada et al. (US Patent Number 6,330,072 B1) disclose a method and apparatus for combining and ordering objects from a plurality of color PDL files representing separations to a display list of the appropriate order.

Gauthier (US Patent Number 6,687,016 B1) discloses a method of utilizing variable data fields with a page description language.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilina S Kassa/
Examiner, Art Unit 2625
April 8, 2008

/Mark K Zimmerman/

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Supervisory Patent Examiner, Art Unit 2625